



Supreme Court of California
350 McAllister Street, San Francisco, CA 94102-4797
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NEWS RELEASE

Contact: [Cathal Conneely](mailto:Cathal.Conneely@judicialbranch.ca.gov), 415-865-7740

FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions for Week of February 17, 2014

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#14-21 *In re Alatrisme*, S214652. (B248072; 220 Cal.App.4th 1232; Los Angeles County Superior Court; BA344055.) Petition for review after the Court of Appeal denied petitions for writ of habeas corpus.

#14-22 *In re Bonilla*, S214960. (B248199; 220 Cal.App.4th 1232; Los Angeles County Superior Court; BA320049.) Petitions for review after the Court of Appeal denied petitions for writ of habeas corpus.

Alatrisme and *Bonilla* include the following issues: (1) Did Senate Bill 260 (Reg. Sess. 2013-2014), which includes provisions for a parole suitability hearing after a maximum of 25 years for most juvenile offenders serving life sentences, render moot any claim that such a sentence violates the Eighth Amendment to the federal Constitution and that the petitioner is entitled to a new sentencing hearing applying the mitigating factors for such juvenile offenders set forth in *Miller v. Alabama* (2012) 567 U.S. ____ [132 S.Ct. 2455]? If not: (2) Does *Miller* apply retroactively on habeas corpus to a prisoner who was a juvenile at the time of the commitment offense and who is presently serving a sentence that is the functional equivalent of life without the possibility of parole? (3) Is a total term of imprisonment of 77 years to life (*Alatrisme*) or 50 years to life (*Bonilla*) for murder committed by a 16-year-old offender the functional equivalent of life without possibility of parole by denying the offender a meaningful opportunity for release on parole? (4) If so, does the sentence violate the Eighth Amendment absent consideration of the mitigating factors for juvenile offenders set forth in *Miller*?

#14-23 *Parker v. State of California, S215265.* (F062490; 221 Cal.App.4th 340; Fresno County Superior Court ; 10CECG02116.) Petition for review after the Court of Appeal granted a permanent injunction in a civil action. This case presents the following issue: Are the Penal Code sections that regulate “ammunition principally for use in pistols, revolvers, and other firearms capable of being concealed upon the person, notwithstanding that the ammunition may also be used in some rifles” (Pen. Code, § 16650, subd. (a)) unconstitutional on their face for failure to afford adequate notice of the regulated conduct and/or failure to provide sufficient guidelines to prevent arbitrary enforcement?

#14-24 *Martinez v. Joe’s Crab Shack Holdings, S214864.* (B242807; 221 Cal.App.4th 1148; Los Angeles County Superior Court; BC377269.) Petition for review after the Court of Appeal reversed an order denying class certification in a civil action. The court ordered briefing deferred pending decision in *Duran v. U.S. Bank National Assn.*, S200923 (#12-52), which presents issues concerning the certification of class actions in wage and hour misclassification litigation and the use of representative testimony and statistical evidence at trial of such a class action.

STATUS

#12-33 *Sanchez v. Valencia Holding Co. LLC, S199119.* The court invited the parties and interested persons and entities to file supplemental briefing on the following questions. In formulating the standard for determining whether a contract or contract term is substantively unconscionable, this court has used a variety of terms, including “unreasonably favorable” to one party (*Sonic-Calabasas A, Inc. v. Moreno* (2013) 57 Cal.4th 1109, 1145); “so one-sided as to shock the conscience” (*Pinnacle Museum Tower Assn. v. Pinnacle Market Development* (2012) 55 Cal.4th 223, 246); “unfairly one-sided” (*Little v. Auto Stiegler, Inc.* (2003) 29 Cal.4th 1064, 1071–1072; “overly harsh” (*Armendariz v. Foundation Health Psychare Services, Inc.* (2000) 24 Cal.4th 83, 114; and “unduly oppressive” (*Perdue v. Crocker National Bank* (1985) 38 Cal.3d 913, 925). (1) Should the court use only one of these formulations in describing the test for substantive unconscionability and, if so, which one? (2) Are there any terms the court should *not* use? (3) Is there a formulation not included among those above that the court should use? (4) What differences, if any, exist among these formulations either facially or as applied?

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The Supreme Court of California is the state’s highest court and its decisions are binding on all other California state courts. The court’s primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.